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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF WYOMING

In Re:)	Case No. 04-21675
MONTY D. MAXWELL,)	
Debtor,)	
)	
RANDY L. ROYAL, TRUSTEE OF THE)	
BANKRUPTCY ESTATE OF MONTY D. MAXWELL,)	
Plaintiff,)	Adversary No.
)	
VS.)	
)	
RECOVERY SYSTEMS, INC.,)	
Defendant.)	

COMPLAINT TO SET ASIDE PREFERENTIAL TRANSFER

COMES NOW, the Trustee by and through his attorney and for his complaint against the Defendant states, alleges, and complains as follows:

(1) The Plaintiff is the duly appointed and acting Chapter 7 Trustee of this bankruptcy estate.

(2) The Defendant is a Wyoming Corporation, it's registered agent for service of process is Dwight J. Bremer located at 400 S. Kendrick Avenue, Suite 7, Gillette, Wyoming, 82716. See Exhibit "A".

(3) This adversary proceeding arises out of and relates to the above-cited Chapter 7 case of Monty D. Maxwell. This Court has jurisdiction of this adversary proceeding pursuant to the provisions of 28 U.S.C. Section 1334, Section 157 and Section 547. This is a "core" proceeding pursuant to the provisions of 28 U.S.C. Section 157(b)(2)(E) and (F).

(4) On August 27, 2004, the debtor herein filed his voluntary petition for relief under Chapter 7.

(5) On or about June 28, 2004, the debtor, paid \$1,590.16 to Recovery Systems, Inc.

(6) The payment to Recovery Systems Inc. was on an unsecured deficiency balance on the Judgment action that Recovery Systems Inc. filed on behalf of their client, Antelope Medical Consultants, Campbell County, Wyoming, Civil Action NO. 2004-0000955. See attached Exhibit "B". Since the payment was on an unsecured obligation and within 90 days prior to the filing of the bankruptcy, the payment is preferential and in violation of 11 U.S.C. Section 547 of the United States Bankruptcy Code.

(7) At the time of such transfer the debtor was insolvent, and the effect of such transfer was to enable the secured party to obtain more than it would have received under Chapter 7 of the Bankruptcy Code if the transfer had not been made.

(8) The Defendant is now in possession of and custodian of the funds which are property of the estate pursuant to 11 U.S.C. Section 541.

(9) Plaintiff has made demand upon the Defendant to turnover the \$1,590.16, but such demand has been refused, or ignored.

WHEREFORE, Plaintiff prays judgment against the Defendant as follows:

(10) That the payment to Recovery Systems Inc. in the amount of \$1,590.16 be declared as a preference payment in violation of 11 U.S.C. Section 547.

(11) Ordering the Defendant to release the funds to the Plaintiff.

(12) Granting Plaintiff such other and further relief as the Court might deem just and proper.

DATED: January 25, 2005.

/s/ Randy L. Royal, Attorney for the Plaintiff

Citizen Business Government Visitor



WYOMING SECRETARY OF STATE

Corporations Division

Public Access to Corporations

Corporation Detail:

< Back

CID: 198900256590

Type: CORPORATION

Name: RECOVERY SYSTEMS, INC.

Old Name: CPCS, INC.

DBA:

Incorporation State: WY

Initial Filing: 10-05-1989

Status: ACTIVE

Standing: GOOD

Defunct Cause: FORCE ACTIVE

Defunct Date:

Mailing Address: PO BOX 607

GILLETTE, WY 82717-0607

Registered Agent:

Name: DWIGHT J. BREMER

County: CAMPBELL

Address: 400 S. KENDRICK AVE

STE 7

GILLETTE, 82716

Name Changed:

Address Changed:

10-08-2004

Officers and Directors:

President: DWIGHT J BREMER

Vice President: CHARLOTTE B WILKERSON

Secretary: MICHAEL B WILKERSON

Treasurer: DWIGHT J. BREMER

Director: MICHAEL B WILKERSON, DWIGHT J BREMER, CHARLOTTE B WILKERSON, MARJORIE B BREMER

Additional Detail:

Reinstate Date:

Assignment Date:

Renewal Date:

Amendment Date: 04-01-1996

Other Filing Date:

Merger Date:

RA Resigned Date:

Purpose: SERVICES

Merger ID:

Annual Report No: 644387

Last Year Filed: 2004

Profit/Nonprofit: PROFIT

Additional Stock: N

Common Shares: 300,000

Common Par Value: \$ 0.10

Preferred Shares:

Preferred Par Value:

Intent to Dissolve:

Continued/Domesticated:

Expires: Perpetual

Revoked:

New Search

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EXHIBIT

A

Date: 10/08/2004

Circuit Court of Campbell County (Gillette)

User: NSWINDELL

Time: 02:28 PM

Complete Case History

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CV-2004-0000955

Recovery Systems vs. Monty Maxwell

Filed: 04/14/2004

Physical File:

Appealed: N

Comment:

FILED FOR RECORD

OCT - 8 2004

Status History

Post Judgment Action Pending	05/28/2004
Closed	06/28/2004

**CLERK OF CIRCUIT COURT
OF THE SIXTH JUDICIAL DISTRICT
CAMPBELL COUNTY**

Judge History

Date	Judge	Reason for Removal
04/14/2004	Edwards, William S	Current
04/14/2004	Unknown,	Administrative

Payments

Receipt	Date	Type	Amount
6548	04/14/2004	Civil Filing	30.00
Total			30.00

Plaintiff

Name:	Recovery Systems	SSN:	
Address:	Box 607	DOB:	
	Gillette	WY	82717
Phone:	Home:	Work:	
Employer:			
Party Type:		Send notices:	Y
Comment:		Amount Claimed	1,578.46

Attorneys

Klus, C. Robert Jr	(Primary attorney)	Send Notices
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Defendant

Name:	Maxwell, Monty	SSN:	
Address:	904 Stantley	DOB:	
	Gillette	WY	82716
Phone:	Home:	Work:	
Employer:			
Party Type:		Send notices:	Y
Comment:			

Register of Actions

04/14/2004	Case Filed	Unknown,
	Civil Complaint/Summons: Issued Monty Maxwell Assigned to Holland, B. David	Edwards, William S
	Service fee \$0.00 04/14/2004	
	Filing: Civil Filing Fee Paid by: Recovery Systems (plaintiff) Receipt number: 0006548 Dated: 04/14/2004 Amount: \$20.00 (Check)	Edwards, William S
	Filing: Automation Fee Paid by: Recovery Systems (plaintiff) Receipt number: 0006548 Dated: 04/14/2004 Amount: \$10.00 (Check)	Edwards, William S

EXHIBIT

B

PENGAD-Bayonne, N. J.

Date: 10/08/2004

Time: 02:28 PM

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Document Page 6 of 7
Circuit Court of Campbell County (Gillette)

Complete Case History

CV-2004-0000955

User: NSWINDELL

Recovery Systems vs. Monty Maxwell**Register of Actions**

04/28/2004 Civil Complaint/Summons: Served Monty
Maxwell Assigned to Holland, B. David
Service fee \$0.00 Served 04/28/2004

Edwards, William S

05/28/2004 Judgment entered Order date: 05/28/2004

Edwards, William S

06/16/2004 Notice of service of discovery

Edwards, William S

06/28/2004 Satisfaction of Judgment Filed

Edwards, William S

*Rec. Sys.
would not
present
receipt***Judgment**

Order date	In Favor Of	Disposition
05/28/2004	Plaintiff	06/28/2004 Satisfied

Judgment

Amount

Default Judgment

1,590.16

Plaintiff: Recovery Systems

Defendant: Maxwell, Monty

*This is about
when paid***Costs**

Description	Type	Amount
Judgment	Original	1419.00
	Item total:	1419.00
Court Costs	Original	20.00
	Item total:	20.00
Pre-Judgment Interest	Original	121.16
	Item total:	121.16
Service Fees	Original	20.00
	Item total:	20.00
Automation Fee	Original	10.00
	Item total:	10.00
	Total:	1590.16

Date

06/02/2004

06/02/2004

06/02/2004

06/02/2004

06/02/2004

*DF 8-27-04
- within 90 days*

Patient Ledger

ANTELOPE MEDICAL CONSULTANTS
Tuesday, October 12, 2004

DOF 8-27-04

Page 1

MONTY MAXWEL (MAXWEL0000)

Responsible: Self Home: (307) 687-1732

Bill No	Service Date	Code	Charge	Balance	Balance	Balance
18717	02/06/2003	002	99273	02/17/2003	180.00	0.00
				03/20/2003		180.00
				04/18/2003		
				05/20/2003		
18717	07/14/2004	002	PP		0.00	180.00
18717	02/07/2003	002	93307	02/17/2003	168.00	0.00
				03/20/2003		168.00
				04/18/2003		
				05/20/2003		
18717	07/14/2004	002	PP		0.00	168.00
18717	02/07/2003	002	93320	02/17/2003	98.00	0.00
				03/20/2003		98.00
				04/18/2003		
				05/20/2003		
18717	07/14/2004	002	PP		0.00	98.00
18717	02/07/2003	002	93325	02/17/2003	74.00	0.00
				03/20/2003		74.00
				04/18/2003		
				05/20/2003		
18717	07/14/2004	002	PP		0.00	74.00
18840	02/07/2003	001	99233	02/17/2003	147.00	0.00
				03/20/2003		147.00
				04/18/2003		
				05/20/2003		
18840	07/14/2004	001	PP		0.00	147.00
18840	02/08/2003	001	99232	02/17/2003	460.00	0.00
				03/20/2003		460.00
				04/18/2003		
				05/20/2003		
18840	07/14/2004	001	PP		0.00	269.19
18840	07/14/2004	001	RECOV0000		0.00	190.81
18840	02/12/2003	001	99231	02/17/2003	77.00	0.00
				03/20/2003		77.00
				04/18/2003		
				05/20/2003		
18840	07/14/2004	001	RECOV0000		0.00	77.00
18840	02/13/2003	001	99239	02/17/2003	215.00	0.00
				03/20/2003		215.00
				04/18/2003		
				05/20/2003		
18840	07/14/2004	001	RECOV0000		0.00	215.00
20646	05/20/2003	002	FC		21.29	0.00
20646	07/14/2004	002	RECOV0000		0.00	21.29
21984*	07/24/2003	002	FC		21.29	0.00
21984*	07/28/2003	002	REBAT0000		0.00	21.29
Patient Total					1461.58	1461.58
						0.00

Billing
Dates
Paid in
full
by payment
to Rec
Sys

Provider Totals

DR. LISA MALODY, MD

899.00 899.00 0.00

DR. LAURENCE DEBOER, MD

562.58 562.58 0.00

Report Totals

1461.58 1461.58 0.00